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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEAGUE FOR COASTAL PROTECTION, et  
al.,

No. C 05-0991-CW

Plaintiffs,

ORDER GRANTING  
PLAINTIFFS'  
SUPPLEMENTAL  
MOTION FOR  
ATTORNEYS' FEES

v.

DIRK KEMPTHORNE, Secretary of the  
Interior, et al.,

Defendants.

/

On December 22, 2006, the Court awarded Plaintiffs \$185,230.18 in interim attorneys' fees and costs. Plaintiffs now seek attorneys' fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d)(1)(A), for time expended in recovering that award. They note that, although Plaintiffs' attorneys have spent 81.2 hours in the process of recovering fees, they seek recovery for only seventy hours of time, for a total award of \$11,200.

Defendants acknowledge that a party may move for an award of fees incurred in seeking fees claimed for the underlying merits dispute. See Love v. Reilly, 924 F.2d 1492, 1497 (9th Cir. 1991)

1 ("the prevailing party is automatically entitled to attorney's fees  
2 for any fee litigation once the district court has made a  
3 determination that the government's position lacks substantial  
4 justification"). Nonetheless, they contend that this motion is  
5 premature because an appeal is pending, an argument that the Court  
6 rejected when it awarded Plaintiffs interim attorneys' fees and  
7 costs. Defendants also argue that the time spent by Plaintiffs is  
8 unreasonable and ask that the Court reduce Plaintiffs' requested  
9 amount by fifty percent. That argument is not persuasive. The  
10 Court finds that the seventy hours expended by Plaintiffs' counsel  
11 is reasonable and it will award the amount Plaintiffs request.

12 Plaintiffs' Supplemental Motion for Attorneys' Fees (Docket  
13 No. 62) is granted. Defendants shall pay Plaintiffs \$11,200 for  
14 their attorney time spent recovering fees under the EAJA.

15 IT IS SO ORDERED.

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17 Dated: 3/29/07



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18 CLAUDIA WILKEN  
United States District Judge

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